

**R657. Natural Resources, Wildlife Resources.**

**R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.**

**R657-53-1. Purpose and Authority**

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, exportation, transportation, and possession of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Amphibians and reptiles lawfully collected in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, exportation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

**R657-53-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (25).

(2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.

(3) "Captive-bred" means any legally obtained amphibian or reptile, which is born inside of and has spent its entire life in captivity, and is the offspring of legally obtained progenitors.

(4) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of an amphibian or reptile, as provided in Rule R58-1.

(5) "Collect" means to take, catch, capture, salvage, or kill any free roaming amphibian or reptile within Utah.

(6) "Commercial use" means any activity through which a person in possession of an amphibian or reptile:

(a) receives any consideration for the amphibian or reptile or for a use of the amphibian or reptile, including nuisance control; or

(b) expects to recover all or any part of the cost of keeping the amphibian or reptile through selling, bartering, trading, exchanging, breeding, or other use, including displaying the amphibian or reptile for entertainment, advertisement, or business promotion.

(7) "Controlled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

(8) "Den" means any place where reptiles congregate.

(9) "Educational use" means the possession and use of an amphibian or reptile for conducting educational activities concerning wildlife and wildlife-related activities.

(10) "Entry permit number" means a number issued by the state veterinarian's office to a

veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

(11) "Export" means to move or cause to move any amphibian or reptile from Utah by any means.

(12) "Import" means to bring or cause an amphibian or reptile to be brought into Utah by any means.

(13) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal.

(14) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

(15) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

(16) "Noncontrolled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses no significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

(17) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

(18) "Personal use" means the possession and use of an amphibian or reptile for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

(19) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

(20) "Prohibited species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-53-14(1)(b) or R657-53-27.

(21) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

(22) "Scientific use" means the possession and use of an amphibian or reptile for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

(23) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

(24) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudinata, Class Reptilia.

(25) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

**R657-53-3. Liability.**

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized amphibian or reptile and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Utah Governmental Immunity Act, the division shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing amphibians or reptiles.

**R657-53-4. Animal Welfare.**

(1) Any amphibian or reptile held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

**R657-53-5. Collection, Importation, and Possession of Threatened and Endangered Species.**

Any amphibian or reptile which has been listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act is prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division and a federal permit from the U.S. Fish and Wildlife Service.

**R657-53-6. Release of an Amphibian or Reptile to the Wild -- Capture or Disposal of Escaped Wildlife.**

(1) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining authorization from the division.

(2)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live amphibian or reptile that escapes from captivity.

(b) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

**R657-53-7. Inspection of Documentation.**

A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession.

**R657-53-8. Certificate of Registration Required.**

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, or possessing any amphibian or reptile or their parts classified as prohibited or

controlled, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-18(3) and R657-53-19(5)(a); or

(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.

(c) An application for an amphibian or reptile classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the amphibian or reptile meets the criteria provided in Subsections R657-53-14(1)(b), R657-53-16(4)(b) or R657-53-27.

(2)(a) Certificates of registration expire as designated on the certificate of registration.

(b) Certificates of registration are not transferable except as provided in Subsection (c) or as otherwise designated on the certificate of registration.

(c) Upon the death of a certificate of registration holder, a legally obtained and possessed amphibian or reptile may pass to a successor, and a certificate of registration will be issued to the successor unless the amphibian or reptile poses a detrimental impact to community safety or the successor is unqualified to handle the amphibian or reptile.

(d) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(e) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.

(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.

(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(6) Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.

#### **R657-53-9. Application Procedures -- Fees.**

- (1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.
- (b) The application may require up to 45 days for review and processing.
- (c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.
- (2)(a) Legal tender in the correct amount must accompany the application.
- (b) The certificate of registration fee includes a nonrefundable handling fee.
- (c) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

**R657-53-10. Retroactive Effect on Possession.**

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that amphibian or reptile where the amphibian or reptile's classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited.

(2) The certificate of registration shall be obtained within six months of the reclassification, or possession of the amphibian or reptile thereafter shall be unlawful.

**R657-53-11. Issuance Criteria.**

(1) The following factors shall be considered before the division may issue a certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife and other animals; and
- (c) ecological and environmental impacts.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of an amphibian or reptile:

- (a) the validity of the objectives and design;
- (b) the likelihood the project will fulfill the stated objectives;
- (c) the applicant's qualifications to conduct the research, including the requisite education or experience;
- (d) the adequacy of the applicant's resources to conduct the study; and
- (e) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of an amphibian or reptile:

- (a) the objectives and structure of the educational program; and
- (b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing or reissuing a certificate of registration to any applicant, if:

- (a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code,

Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board; or

(c) the applicant misrepresented or failed to disclose material information required in connection with the application.

(d) The division may deny issuing or renewing a certificate of registration to an applicant where holding the amphibian or reptile at the proposed location violates federal, state or local laws.

(5) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(6) An appeal of the denial of an application may be made as provided in Section R657-53-28.

#### **R657-53-12. Amendment to Certificate of Registration.**

(1)(a) If material circumstances change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-53-11, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-53-28.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) An amphibian or reptile or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.

#### **R657-53-13. Records and Reports.**

(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to this rule or the certificate of registration.

(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any amphibian or reptile has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.

(c) The records required under this section must be maintained for five years from the expiration date of the certificate of registration.

(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.

**R657-53-14. Collection of a Live or Dead Amphibian or Reptile for Personal, Scientific, or Educational Use.**

(1) A person may collect a live or dead amphibian or reptile or their parts for a personal, scientific or educational use only as provided in Subsection (a) or (b).

(a) Certificates of registration are not issued for the collection of any live or dead amphibian or reptile or their parts classified as prohibited for collection, except as provided in Subsection (b) and R657-53-27.

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect a live or dead amphibian or reptile classified as prohibited for collection if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A certificate of registration is required for collecting any live or dead amphibian or reptile or their parts classified as controlled for collection, except as otherwise provided by the Wildlife Board.

(3) A certificate of registration is not required for collecting a live or dead amphibian or reptile or their parts classified as noncontrolled for collection, except as provided in Subsections R657-53-18(3) and (4) and R657-53-19(5).

**R657-53-15. Importation or Possession of a Live or Dead Amphibian or Reptile for Personal, Scientific, or Educational Use.**

(1) A person may import or possess a live or dead amphibian or reptile or their parts for a personal, scientific or educational use only as provided in Subsections (a) or (b).

(a) Certificates of registration are not issued for the importation of any live or dead amphibian or reptile or their parts classified as prohibited for importation or for the possession of any live or dead amphibian or reptile or their parts classified as prohibited for possession, except as provided in Subsection (b) and R657-53-27.

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to import a live or dead amphibian or reptile classified as prohibited for importation or to possess a live or dead amphibian or reptile classified as prohibited for possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A certificate of registration is required for importing any live or dead amphibian or reptile or their parts classified as controlled for importation or for possessing any live or dead amphibian or reptile or their parts classified as controlled for possession, except as otherwise provided by the Wildlife Board.

(3) A certificate of registration is not required for importing a live or dead amphibian or reptile or their parts classified as noncontrolled for importation or for possessing a live or dead amphibian or reptile or their parts classified as noncontrolled for possession, except as provided in Subsections R657-53-18(3) and (4) and R657-53-19(5).

(4) Notwithstanding Subsection (1) or (2), a person may import or possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for a personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

**R657-53-16. Collection, Importation or Possession of a Live Amphibian or Reptile for a Commercial Use.**

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect or possess a live amphibian or reptile for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in this rule or a certificate of registration.

(2)(a) A person may import a live amphibian or reptile classified as non-controlled for importation or may possess a live amphibian or reptile classified as non-controlled for possession, for a commercial use or a commercial venture, except as provided in Subsection (b)

(b) A native or naturalized species of amphibian or reptile may not be sold or traded unless it originated from a captive-bred population.

(c) Complete and accurate records for native or naturalized species must be maintained and available for inspection for five years from the date of the transaction, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained.

(d) Complete and accurate records must be maintained and available for inspection for five years from the date of the transfer, documenting the date, and the name, address and certificate of registration number of the person receiving the amphibian or reptile.

(3)(a) A person may not import a live amphibian or reptile classified as controlled for importation or may not possess a live amphibian or reptile classified as controlled for possession for a commercial use or commercial venture without first obtaining a certificate of registration.

(b) A certificate of registration will not be issued to sell or trade a native or naturalized species of amphibian or reptile unless it originates from a captive-bred population.

(c) It is unlawful to transfer a live amphibian or reptile classified as controlled for possession to a person who does not have a certificate of registration to possess the amphibian or reptile, except as follows:

- (i) the amphibian or reptile is captive-bred;
- (ii) the transferee is not domiciled in Utah;
- (iii) the transferee is exporting the amphibian or reptile out of Utah; and
- (iv) the transferee follows the transport provisions in Section R657-53-20.

(d) Complete and accurate records must be maintained by the buyer and the seller for five years from the date of the transaction or transfer, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained and the person receiving the amphibian or reptile.

(e) The records indicated in Subsection (d) must be made available for inspection upon request of the division.

(4)(a) A certificate of registration will not be issued for importing a live amphibian or reptile, classified as prohibited for importation, or for possessing a live amphibian or reptile, classified as prohibited for possession, for a commercial use or commercial venture, except as provided in Subsection (b) or R657-53-27.

(b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import or possess a live amphibian or reptile classified as prohibited for importation or possession if, in the opinion of the division, the importation or possession for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(c) The division's authority to issue a certificate of registration to a zoo, circus,



amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited amphibian or reptile in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.

(5) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length.

**R657-53-17. Collection, Importation or Possession of a Dead Amphibian or Reptile or Their Parts for a Commercial Use.**

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead amphibian or reptile or its parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.

(2) The restrictions in Subsection (1) do not apply to a dead amphibian or reptile sold or traded for educational use.

**R657-53-18. Classification and Specific Rules for Amphibians.**

(1) Amphibians are classified as follows:

(a) American bullfrog, Ranidae Family (*Rana catesbeiana*) is prohibited for collection, importation and possession, except as provided in Subsection (5);

(b) Clawed frog, Pipidae Family (*Xenopus*) (All species) is prohibited for collection, importation and possession;

(c) Columbia spotted frog, Ranidae Family (*Rana luteiventris*) is prohibited for collection, importation and possession;

(d) Green frog, Ranidae Family (*Rana clamitans*) is prohibited for collection, importation and possession, except as provided in Subsection (5);

(e) Lowland leopard frog, Ranidae Family (*Rana yavapaiensis*) is prohibited for collection, importation and possession;

(f) Northern leopard frog, Ranidae Family (*Rana pipiens*) is controlled for collection, importation and possession;

(g) Pacific treefrog, Hylidae Family (*Pseudacris regilla* or *Hyla regilla*) is controlled for collection, importation and possession;

(h) Relict leopard frog, Ranidae Family (*Rana onca*) is prohibited for collection, importation and possession;

(i) Tiger salamander, Ambystomatidae Family (*Ambystoma tigrinum*) is controlled for importation, and noncontrolled for collection and possession as provided in Subsection (4);

(j) Arizona toad, Bufonidae Family (*Bufo microscaphus*) is controlled for collection, importation and possession;

(k) Cane (marine) toad, Bufonidae Family (*Bufo marinus*) is prohibited for collection, importation and possession; and

(l) Western toad, Bufonidae Family (*Bufo boreas*) is prohibited for collection, importation and possession.

(2) All species and subspecies of amphibians not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (3).

(3) A person must obtain a certificate of registration to collect four or more amphibians of each species classified as noncontrolled within a calendar year, except as provided in Subsection (4) and (5).

(4) A person may collect or possess for personal use up to 50 Tiger salamanders (*Ambystoma tigrinum*) without a certificate of registration.

(5) A person may collect or possess any number of American bullfrogs (*Rana catesbeiana*) or Green frogs (*Rana clamitans*) without a certificate of registration provided they are either killed or released immediately upon removing them from the water. A person may not transport a live bullfrog or green frog from the water from which it was collected without first obtaining a certificate of registration.

#### **R657-53-19. Classification and Specific Rules for Reptiles.**

(1) Reptiles are classified as follows:

(a) Crocodiles are classified as follows:

(i) Alligators and caimans, Alligatoridae Family (All species) are prohibited for collection, importation and possession;

(ii) Crocodiles, Crocodylidae Family (All species) are prohibited for collection, importation and possession; and

(iii) Gharial, Gavialidae Family (*Vavialis gangeticus*) is prohibited for collection, importation and possession.

(b) Lizards are classified as follows:

(i) Beaded lizard, Helodermatidae Family, (*Heloderma horridum*) is prohibited for collection, importation, and possession;

(ii) Chuckwalla, Iguanidae Family (*Sauromalus*) (All species) is prohibited for collection, and controlled for importation and possession;

(iii) Common side-blotched lizard, Phrynosomatidae Family (*Uta stansburiana*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(iv) Desert iguana, Iguanidae Family (*Dipsosaurus dorsalis*) is prohibited for collection, and controlled for importation and possession;

(v) Desert night lizard, Xantusiidae Family (*Xantusia vigilis*) is controlled for collection, importation and possession;

(vi) Gila monster, Helodermatidae Family (*Heloderma suspectum*) is prohibited for collection, importation and possession;

(vii) Northern sagebrush lizard, Phrynosomatidae Family (*Sceloporus graciosus*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(viii) Utah banded gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is controlled for collection, importation and possession;

(ix) Variable (many-lined) skink, Scincidae Family (*Eumeces multivirgatus epipleurotus*) is controlled for collection, importation and possession; and

(x) Western zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is controlled for collection, importation and possession.

(c) Snakes are classified as follows:

(i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are prohibited for collection, importation and possession;

(ii) Boomsnake, Colubridae Family (*Dispholidus typus*) is prohibited for collection, importation and possession;

(iii) Burrowing asps, Atractaspididae Family (All species) are prohibited for collection, importation and possession;

(iv) California kingsnake (black and white banded-form), Colubridae Family (*Lampropeltis getula californiae*) is controlled for collection, and noncontrolled for importation and possession;

(v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is controlled for collection, importation and possession;

(vi) Great Plains ratsnake, Colubridae Family (*Elaphe guttata emoryi*) is controlled for collection, importation and possession;

(vii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are prohibited for collection, importation and possession;

(viii) Painted desert glossy snake, Colubridae Family (*Arizona elegans philipi*) is controlled for collection, importation and possession;

(ix) Pit vipers, Viperidae Family (All species, except *Crotalus viridis*) are prohibited for collection, importation and possession;

(x) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are prohibited for collection, importation and possession;

(xi) Smith's (southwestern) black-headed snake, Colubridae Family (*Tantilla hobartsmithi*) is controlled for collection, importation and possession;

(xii) Smooth greensnake, Colubridae Family (*Opheodrys vernalis*) is controlled for collection, importation and possession;

(xiii) Sonoran lyresnake, Colubridae Family (*Trimorphodon biscutatus lambda*) is controlled for collection, importation and possession;

(xiv) Terrestrial gartersnake, Colubridae Family (*Thamnophis elegans*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(xv) Utah milksnake, Colubridae Family (*Lampropeltis triangulum taylori*) is prohibited for collection, importation and possession;

(xvi) Utah mountain kingsnake, Colubridae Family (*Lampropeltis pyromelana infralabialis*) is prohibited for collection, importation and possession;

(xvii) Utah threadsnake (blindsnake), Leptotyphlopidae Family (*Leptotyphlops humilis utahensis*) is controlled for collection, importation and possession; and

(xviii) Western rattlesnake, Viperidae Family (*Crotalus viridis*) is controlled for collection, prohibited for importation, and controlled for possession, as provided in Subsection (4).

(d) Turtles are classified as follows:

(i) Desert tortoise, Testudinidae Family (*Gopherus agassizii*) is prohibited for collection and importation, and controlled for possession;

(ii) Snapping turtle, Chelydridae Family (All species) is prohibited for collection, importation and possession, except as provided in Subsection (6); and

(iii) Spiny softshell, Trionychidae Family (*Apalone spinifera*) is prohibited for collection, importation and possession, except as provided in Subsection (6).

(2) All species and subspecies of reptiles not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (5).

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or

(b) indiscriminately kill any reptile.

(4)(a) Western rattlesnakes, *Crotalus viridis*, may be killed without a certificate of

registration only for reasons of human safety.

(b) The carcass of a Western rattlesnake killed pursuant to Subsection (a) may be retained for personal use only.

(5)(a) A person must obtain a certificate of registration to collect four or more reptiles of each species classified as noncontrolled within a calendar year, except as provided in Subsection (5)(b) and Subsection (6).

(b) In a calendar year, a person may collect and possess for personal 25 common side-blotched lizards (*Uta stansburiana*), 25 northern sagebrush lizards (*Sceloporus graciosus*), and 25 terrestrial gartersnakes (*Thamnophis elegans*), without obtaining a certificate of registration.

(6) A person may collect or possess any number of snapping turtles, *Chelydra serpentina*, or spiny softshell, *Apalone spinifera*, turtles without a certificate of registration provide they are either killed or released immediately upon removing them from the water. A person may not transport a live snapping turtle or spiny softshell turtle from the water from which it was collected without first obtaining a certificate of registration.

(7) For purposes of this section, "white" means white and other non-yellow shades of white.

#### **R657-53-20. Transporting a Live Amphibian or Reptile Through Utah.**

(1) Any controlled or prohibited amphibian or reptile may be transported through Utah without a certificate of registration if:

(a) the amphibian or reptile remains in Utah no more than 72 hours; and

(b) the amphibian or reptile is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.

(2) Proof of legal possession must accompany the amphibian or reptile.

(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.

#### **R657-53-21. Importation of an Amphibian or Reptile into Utah.**

(1) A person may import any amphibian or reptile native to Utah that is classified as controlled or noncontrolled for importation, which has been legally obtained from outside the state of Utah.

(2) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any amphibian or reptile may be imported into Utah.

#### **R657-53-22. Transfer of Possession.**

(1) Any person who lawfully possesses an amphibian or reptile classified as prohibited or controlled may transfer possession of that amphibian or reptile only to a person who has first applied for and obtained a certificate of registration for that amphibian or reptile from the division, except as provided in Section R657-53-8(2)(c).

(2) The division may issue a certificate of registration granting the transfer and possession of that amphibian or reptile only if the applicant meets the issuance criteria provided in Section R657-53-11.

#### **R657-53-23. Propagation of Amphibians or Reptiles.**

(1) A person may propagate amphibians or reptiles that are legally obtained only as provided in Subsection (a) through (c).

(a) Certificates of registration are not issued for the propagation of any amphibian or reptile classified as prohibited for collection, importation or possession except as provided in R657-53-27.

(b) A certificate of registration is required for propagating any amphibian or reptile classified as controlled for collection, importation or possession, except as otherwise provided by the Wildlife Board.

(c)(i) A certificate of registration is required for propagating native or naturalized amphibians or reptiles classified as noncontrolled for collection, importation, or possession.

(ii) A certificate of registration is not required for propagating nonnative amphibians or reptiles classified as noncontrolled for collection, importation or possession.

(2) Certificates of registration may be issued to an applicant who:

(a) is a resident of Utah;

(b) agrees to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;

(c) has not been judicially or administratively found guilty of violating the provisions of this rule; and

(d) has not been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a reasonable relationship to the applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles.

(3) Legally obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.

(4)(a) A captive-bred amphibian or reptile classified as prohibited or controlled for collection, importation or possession shall be marked for identification by a division representative.

(b) Passive Integrated Transponders (PIT) tags shall be provided by the division.

(c) PIT tags shall be inserted into amphibians or reptiles that meet or exceed the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile.

(d) A photograph may be used for identification, if photography is a viable option for identification, of a captive-bred amphibian or reptile under the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile until the amphibian or reptile meets or exceeds the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile, at which time the division shall insert a PIT tag.

(e) Accommodations for PIT tag insertion must be made with a division representative prior to PIT tag insertion.

#### **R657-53-24. Violations.**

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.

(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

**R657-53-25. Certification Review Committee.**

(1) The division shall establish a Certification Review Committee which shall be responsible for:

- (a) reviewing:
  - (i) petitions to reclassify species and subspecies of amphibians or reptiles;
  - (ii) appeals of certificates of registration; and
  - (iii) requests for variances to this rule; and
- (b) making recommendations to the Wildlife Board.

(2) The committee shall consist of the following individuals:

(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;

- (b) the chief of the Aquatic Section;
- (c) the chief of the Wildlife Section;
- (d) the chief of the Public Services Section;
- (e) the state veterinarian or his designee; and
- (f) a person designated by the Department of Health.

(3) The division shall require a fee for the submission of a request provided in Section R657-53-26 and R657-53-27.

**R657-53-26. Request for Species Reclassification.**

(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.

(2) A request for reclassification must be made to the Certification Review Committee by submitting an application for reclassification.

(3)(a) The application shall include:

- (i) the petitioner's name, address, and phone number;
- (ii) the species or subspecies for which the application is made;
- (iii) the name of all interested parties known by the petitioner;
- (iv) the current classification of the species or subspecies;
- (v) a statement of the facts and reasons forming the basis for the reclassification; and
- (vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(4)(a) The committee shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The committee shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

(5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

- (i) consider the committee recommendation; and
- (ii) any information provided by the petitioner or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).

(6) A change in species classification shall be made in accordance with Title 63, Chapter

46a, Administrative Rulemaking Act.

(7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

**R657-53-27. Request for Variance.**

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the Certification Review Committee.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3) The committee shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the committee recommendation; and

(b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

**R657-53-28. Appeal of Certificate of Registration Denial.**

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the Certification Review Committee.

(2) The request must be made within 30 days after the date of the denial.

(3) The request shall include:

(a) the name, address, and phone number of the petitioner;

(b) the date the request was mailed;

(c) the species or subspecies of the amphibian or reptile and the activity for which the application was made; and

(d) supporting facts and other evidence applicable to resolving the issue.

(4) The committee shall review the request within a reasonable time after it is received.

- (5) Upon reviewing the application and the reasons for its denial, the committee may:
- (a) overturn the denial and approve the application; or
  - (b) uphold the denial.
- (6) The committee may overturn a denial if the denial was:
- (a) based on insufficient information;
  - (b) inconsistent with prior action of the division or the Wildlife Board;
  - (c) arbitrary or capricious; or
  - (d) contrary to law.
- (7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.
- (b) The notice shall include information that a person may seek Wildlife Board review of that decision.
- (8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.
- (b) The request must include the information provided in Subsection (3).
- (9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.
- (b) The Wildlife Board may:
- (i) overturn the denial and approve the application; or
  - (ii) uphold the denial.
- (c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.
- (10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

**KEY: wildlife, import restrictions, amphibian, reptile**  
**June 3, 2003**

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